

misleading, since it contained no ordinary (ethyl) alcohol, but consisted essentially of isopropyl alcohol, acetone, and water, and (2) in that the package failed to bear a statement on the label of the quantity or proportion of isopropyl alcohol contained therein.

On June 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,  
*Acting Secretary of Agriculture.*

**26512. Misbranding of Alco-Sponge-Rub Alcohol. U. S. v. 47½ Dozen Bottles of Alco-Sponge-Rub Alcohol. Default decree of condemnation and destruction. (F. & D. no. 87187. Sample no. 60935-B.)**

This case involved an interstate shipment of Alco-Sponge-Rub Alcohol the label of which represented that it consisted essentially of ordinary (ethyl) alcohol, when in fact it consisted essentially of isopropyl alcohol (approximately 80 percent), and contained a small proportion of acetone, methyl salicylate, water, and not more than 8 percent, if any, of ordinary (ethyl) alcohol.

On or about February 13, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47½ dozen bottles of Alco-Sponge-Rub Alcohol at Hartford, Conn., alleging that it had been shipped in interstate commerce on or about January 4, 1936, by National Mart from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements, appearing upon the label, "Alco-Sponge-Rub Alcohol \* \* \* For Massaging, Sponging and Customary External Uses of Alcohol", were false and misleading when applied to a product consisting essentially of isopropyl alcohol (approximately 80 percent), a small proportion of acetone, methyl salicylate, water, and not more than 8 percent, if any, of ordinary (ethyl) alcohol. The article was alleged to be misbranded further in that the label failed to bear a statement of the quantity or proportion of isopropyl alcohol contained in the article, since the statement "70 Proof Isopropyl" was meaningless.

On June 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,  
*Acting Secretary of Agriculture.*

**26513. Misbranding of Syl-Wey, Vege-trate Formula BF-1 (Tablets), and Vege-broth. U. S. v. 58 Boxes of Syl-Wey. U. S. v. 106 Boxes of Vege-trate Formula BF-1 (Tablets). U. S. v. 192 Boxes of Vege-broth. Consent decrees of condemnation. Products released under bond for relabeling. (F. & D. nos. 87266, 87267, 87268. Sample nos. 51626-B, 51627-B, 51628-B.)**

These cases involved an interstate shipment of Syl-Wey, Vege-trate Formula BF-1 (Tablets), and Vege-broth. The label of Syl-Wey bore false and misleading representations that each of the ingredients was of a food nature, and that it contained ergosterol derived from especially cultured nonfermentable, unspent brewer's yeast; and said label bore false and fraudulent representations regarding the curative or therapeutic effect of the article. The label of Vege-trate Formula BF-1 (Tablets) bore false and misleading representations that the article was compounded so as to retain valuable minerals, particularly calcium, phosphorus, iron, magnesium, sodium, potassium, and sulphur, as well as the natural chlorophyll of the vegetable leaf, including the concentrate of rhubarb; and said label bore false and fraudulent representations regarding the curative or therapeutic effects of the article. The label of Vege-broth bore false and misleading representations that the article was compounded so as to retain valuable minerals, including potassium, calcium, sodium, iodine, magnesium, sulphur, chlorophyll, etc., and that the article was a mineral broth; and said label bore false and fraudulent representations regarding the curative or therapeutic effects of the article.

On March 2, 1936, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 58 boxes of Syl-Wey, a libel praying seizure and condemnation of 106 boxes of Vege-trate Formula BF-1 (Tablets), and a libel praying seizure and condemnation of 192 boxes of Vege-broth at Washington, D. C. The libels alleged that the respective articles had been shipped in interstate commerce on

or about February 6, 1936, from Los Angeles, Calif., by the Health Foundation of California, and that they were misbranded in violation of the Food and Drugs Act.

Analysis of the Syl-Wey showed that it consisted essentially of dried yeast, dried milk, cane sugar, cornstarch, ground seeds resembling seeds of psyllium, and cereal germ. Analysis of the Vege-trate Formula BF-1 (Tablets) showed that it consisted essentially of rice bran, dried okra, seaweed, cinnamon, cranberry, and leaf tissue including a small amount of alfalfa leaf. Analysis of the Vege-broth showed that it consisted essentially of dried yeast, dried alfalfa, onion, tomato, cereal flour, capsicum, celery seed, okra, and common salt.

The Syl-Wey was alleged to be misbranded in that the following statements, appearing upon the label, were false and misleading: "The uniqueness of this formula is enhanced by the fact that each of its ingredients are of a food nature. \* \* \* together with ergosterol derived from especially cultured nonfermentable unspent brewers yeast." Said article was alleged to be misbranded further in that the following statements regarding the curative or therapeutic effects of the article, appearing on the label, were false and fraudulent: "Nature's Regulator As Nature Intended \* \* \* Health Foundation \* \* \* is a gentle regulator \* \* \* not only regulates bowel action \* \* \* Brings you life anew \* \* \* Allays inflammation and inhibits putrefaction within the intestinal tract and as such, is indicated as an intestinal regulator during the nutritional treatment of: \* \* \* Colitis Loss of Appetite Mal-nutrition \* \* \* A scientifically compounded and balanced formula for the nutritional correction of constipation and attendant disorders."

The Vege-trate Formula BF-1 (Tablets) was alleged to be misbranded in that the following statements, appearing on the label, were false and misleading: "Vege-trate Formula BF-1 (Tablets) Is scientifically compounded so as to retain valuable minerals, particularly calcium, phosphorus, iron, magnesium, sodium, potassium, and sulphur, as well as the natural chlorophyll of the vegetable leaf. Included in this is the concentrate of Rhubarb." Said article was alleged to be misbranded further in that the following statements regarding the curative or therapeutic effect of the article, appearing on the label, were false and fraudulent: "Is scientifically compounded so as to retain valuable minerals, particularly calcium, phosphorus, iron, magnesium, sodium, potassium, and sulphur, as well as the natural chlorophyll of the vegetable leaf. Included in this is the concentrate of rhubarb. \* \* \* Alkalinizing in action \* \* \* Health Foundation \* \* \* Highly Recommended as an aid in Counteracting Hyperacidity, Bloat, Gas, Alkalinizer Vegetrate's organic mineral salts assist in the neutralization of acids. \* \* \* Brings you life anew. Average requirement 2 to 3 tablets—after each meal—and 2 to 3 tablets before retiring. Tablets can be taken in food, chewed, swallowed, or broken into powder."

The Vege-broth was alleged to be misbranded in that the following statements, appearing on the label, were false and misleading: "A mineral broth scientifically compounded to retain valuable minerals, among which are potassium, calcium, sodium, iodine, magnesium, sulphur, chlorophyll, etc. \* \* \* A mineral broth." Said article was alleged to be misbranded further in that the following statements regarding the curative or therapeutic effect of the article, appearing on the label, were false and fraudulent: "A mineral broth scientifically compounded to retain valuable minerals, among which are potassium, calcium, sodium, iodine, magnesium, sulphur, chlorophyll, etc. \* \* \* 'Brings Beauty from Within' \* \* \* It is healthful \* \* \* Brings you life anew \* \* \* predominantly alkaline \* \* \* Health Foundation."

On June 9, 1936, the Vita Health Food Co. Inc., claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation were entered and it was ordered that the products be released to claimant under bond conditioned that they be relabeled.

M. L. WILSON,  
*Acting Secretary of Agriculture.*

26514. **Misbranding of Pulvex Worm Capsules For Puppies and Dogs. U. S. v. 24 Packages of Pulvex Capsules For Puppies and Dogs. Default decree of condemnation and destruction.** (F. & D. no. 37311. Sample no. 62293-B.)

This case involved an interstate shipment of an article, labeled "Pulvex Worm Capsules For Puppies and Dogs", the label of the packages of which and an accompanying booklet bore and contained false and fraudulent representations